

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JAMES BRANDON STROUSE

Plaintiff,

V.

SUSAN STROUSE

Defendant.

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CASE NO. 4:16CV707

Judge Mazzant/Judge Johnson

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On September 20, 2016, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that this case should be **DISMISSED WITHOUT PREJUDICE** due to lack of subject matter jurisdiction (*see* Dkt. #4).

The record in this case indicates that Plaintiff received a copy of the Magistrate Judge's report and recommendation on October 18, 2016 (*see* Dkt. 7). Accordingly, the deadline to file objections was November 4, 2016. *See* 28 U.S.C.A. § 636(b)(1)(C); LOCAL RULE CV-6. Although no document specifically expressing objections to the Magistrate Judge's report and recommendation has been filed, the Court notes that on October 18, 2016, Plaintiff filed a document entitled "On Petition to Dismiss Without Prejudice Voluntarily, District Court Lacks Jurisdiction Thereof Executor's Fiduciary Duties in Complaint Filed by Hier [sic] to the Decedent's Estate." *See* Dkt. #6. Although the intended purpose of Plaintiff's "motion" (Dkt. #6) with respect to this case is unclear, to the extent that it is intended to express objections to the Report and Recommendation of the Magistrate Judge, the document fails to provide any discussion, argument, legal authority, or other details in support of his purported objections.

Having received the report of the United States Magistrate Judge, and finding no meaningful objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and hereby adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Therefore, the above titled and numbered cause of action is hereby **DISMISSED WITHOUT PREJUDICE** to its refiling in a court of competent jurisdiction.

**IT IS SO ORDERED.**

**SIGNED this 9th day of November, 2016.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE